

Notice of Allowability

Application No.

10/551,975

Examiner

Umamaheswari Ramachandran

Applicant(s)

MEISSNER ET AL.

Art Unit

1617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/18/2007.
2. ☒ The allowed claim(s) is/are 23. *(renumbered as claim 1)*
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

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DETAILED ACTION

Status of Claims

The examiner notes the receipt of the amendments and remarks received in the office on 10/18/2007 amending claim 23 and canceling claims 1-22.

Application Priority

This application is a 371 of PCT/US04/13787 5/3/2004 and claims benefit of 60/468,579, 5/7/2003.

REASONS FOR ALLOWANCE

The rejection of claims 14, 15, 22 and 23 under 35 U.S.C. 102(b) as being anticipated by Witzel et al (U.S. 5,639,741) is withdrawn because of the amendment of claim 23 and cancellation of claims 1-22.

Claim 23 is free of prior art and is ready for allowance.

The following is an examiner's statement of reasons for allowance:

Claim 23 is drawn to 4-methyl-17 β -(4-trifluoromethylphenyl)acetamido-4-aza-5 α -androst-1-ene-3-one or a pharmaceutically acceptable salt thereof.

The closest prior art of record is Witzel et al (U.S. 5,639,741).

Witzel et al. teaches 4-methyl-17 β -(2-fluorobenzamido)-5 α -4-aza-androstan-1-ene-3-one (col. 60, lines 5-6). The reference further teaches the following compounds: 17-(2,6-Difluorobenzamido)-4-methyl-5 α -4-azaandrost-1-en-3-one (col. 60, lines 42-43), 17-(2,3-Difluorobenzamido)-4,7-dimethyl-5 α -4-azaandrost-1-en-3-one (col. 60, lines 44-45), 4-Methyl-17-(3-fluoro-2-methylbenzamido)-5 α -4-azaandrost-1-en-3-one (col. 60, lines 29-30) and 4-methyl-17 β -(propamido)-4-aza-5 α -androst-1-ene-3-one.

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Witzel does not teach a compound claimed in claim 23 of the instant invention.

Therefore, there is no anticipation or motivation of making such a compound from the teaching or suggestion from prior art.

The claim is allowable over the closest art of record because the prior art do not teach, disclose nor make obvious the compound of claim 23 of the instant invention.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Umamaheswari Ramachandran whose telephone number is 571-272-9926. The examiner can normally be reached on M-F 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreeni Padmanabhan can be reached on 571-272-0629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


R. PADMANABHAN
UNITED STATES PATENT EXAMINER